

CHAPTER 119  
WASTE OIL

**567—119.1(455D,455B) Authority, purpose, and applicability.**

**119.1(1) Authority.** Pursuant to Iowa Code sections 455D.7(1), 455D.6(6), and 455B.304, the environmental protection commission is given the authority to adopt rules regulating the disposal, collection, and reuse of waste oil.

**119.1(2) Purpose.** The purpose of these rules is to protect the public health and the environment by regulating the disposal and collection of waste oil and to promote the reuse of oil which is a limited energy resource.

**119.1(3) Applicability.** The provisions of this chapter apply to oil retailers, sanitary disposal project permittees, and persons involved in the collection of waste oil.

**567—119.2(455D,455B) Definitions.** The following definitions apply to the provisions of this chapter:

*“Contaminated”* means waste oil mixed with hazardous waste as defined by the resource conservation and recovery Act or with incompatible wastes including, but not limited to: antifreeze, solvents, paints, pesticides, or household hazardous materials. Minimal amounts of vehicle fuel shall not be considered an incompatible waste.

*“Customer”* means any individual who purchases oil or generates waste oil for personal or family purposes, including a farmer or a farm household.

*“Department”* means the department of natural resources.

*“Division”* means the land quality and waste management assistance division of the department.

*“Lubricating oils”* means engine lubricating oils, hydraulic fluids and gear oils, excluding marine and aviation oils.

*“Recycling”* means the preparation of used oil for reuse as a petroleum product by rerefining, reprocessing, reclaiming, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all federal and state laws.

*“Retailer”* means a person offering for sale or selling a petroleum-based or synthetic oil to the ultimate consumer or user of the product, as an over-the-counter product or whereby the consumer is charged separately for the oil product when coupled with a service.

*“Tank”* means a closable stationary or mobile device designed to contain an accumulation of waste oil and constructed of nonearthen materials (e.g., concrete, steel, plastic) that provide structural support.

*“Waste oil”* means any petroleum-based or synthetic oil which through its use, storage, or handling has become unsuitable for its original purpose due to the presence of chemical or physical impurities. Waste oil includes, but is not limited to, the following:

1. Spent lubricating fluids which have been removed from an engine crankcase, transmission, gearbox, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine.
2. Spent industrial oils, including compressor, turbine, bearing, hydraulic, metalworking, electrical, and refrigerator oils.

Waste oil does not include oil which has been contaminated or contains PCBs of 5ppm or greater.

*“Waste oil collection site”* means any commercial, municipal, or nonprofit establishment or operation which has a waste oil collection tank on the premises, and accepts waste oil for temporary storage prior to the recycling of that which is collected.

*“Waste oil collector”* means any sanitary landfill operator, sanitary disposal project operator, oil retailer, or other individual who operates a waste oil collection site.

**567—119.3(455D,455B) Prohibited disposal.**

**119.3(1)** Waste oil shall not be accepted for final disposal at any sanitary landfill. However, a sanitary landfill or sanitary disposal project, as defined in Iowa Code section 455B.301, may accept waste oil for temporary storage or collection if the ultimate disposition of the oil is for recycling. All necessary permits

or permit conditions must be obtained prior to the storage or collection of waste oil at these landfills and projects.

**119.3(2)** Rescinded IAB 8/18/93, effective 9/22/93.

**567—119.4(455D,455B) Operational requirements.**

**119.4(1) Collection.** Sanitary landfill operators, sanitary disposal project operators, commercial waste oil collectors, oil retailers, or other individuals who choose to collect waste oil from customers shall comply with the following requirements:

*a.* Waste oil shall be accepted which is contained in a closed, unbreakable, preferably reusable, container.

*b.* Waste oil collectors shall provide supervision of the collection process to minimize the risk of spills and to prevent customers from depositing contaminated waste oil into the collection tank. However, this does not preclude designating unsupervised drop-off sites for waste oil as long as the following conditions are met:

(1) Only sealed containers of five gallons or less shall be accepted.

(2) The designated drop-off site must be wholly or partially sheltered from the elements.

(3) Customers shall drop off their containers only at the designated site and are not permitted to deposit their waste oil into a collection tank.

(4) The designated site must be located on an impermeable surface engineered to contain potential spills.

*c.* During noncollection hours, the tank must be secured to prevent the contamination of the collected waste oil.

*d.* A sign shall be placed on or near the waste oil collection tank which includes the information that this tank is for waste oil collection only and the depositing of other materials is prohibited.

*e.* Collectors of waste oil shall ensure that the ultimate disposition of waste oil collected is for recycling and reuse.

*f.* There is no obligation to accept contaminated oil from the customer.

*g.* Waste oil collectors shall comply with Iowa Code section 455B.386 when actual or imminent oil spills pose a threat to the public health or the environment.

**119.4(2) Retailers.** In addition to the above requirements relating to waste oil collection, retailers also shall comply with the following:

*a.* A sign shall be placed near the point of sale which informs the customer that it is unlawful to dispose of waste oil at a sanitary landfill, and that customers should return their waste oil to waste oil collection sites for recycling and reuse.

*b.* Retailers who choose to collect waste oil shall accept waste oil generated by residential households or farmers, but are not required to collect waste oil generated by commercial or municipal establishments.

*c.* Waste oil shall be accepted during normal business hours.

*d.* Retailers who choose not to collect waste oil shall post a durable, legible sign at least 8½" by 11" in size and containing the following information:

(1) The language "RECYCLE USED OIL" in bold lettering;

(2) A list of the benefits from recycling waste oil including, but not limited to, "conserves energy, reuses limited resources, and protects Iowa's drinking water";

(3) At least 2 inches in length, the federal Environmental Protection Agency's oil recycling symbol as shown below;



(4) The language “used oil is a household hazardous material” and, at least 2 inches in length, the household hazardous materials program symbol as shown below;



(5) The groundwater protection hotline telephone number referenced as a source for more information on used oil recycling;

(6) The warning that the disposal of waste oil in a landfill or its deposit or discharge into any state waterway is unlawful;

(7) The name, address and location of at least one used oil collection site located within the county in which the retailer is located. If there is more than one used oil collection site located in the applicable county, then the nearest collection site shall be listed on the posted sign.

Retailers shall ensure that the mandated signs are located according to the provisions listed above. Retailers may obtain the required signs upon request from the department. Retailers choosing to print and post their own signs must obtain a variance from the departmental rules. Signs must be at least 8½" by 11" in size and contain the information stipulated above. To request a variance, retailers should forward to the division for review the sign they wish to substitute for the departmental sign.

Those retailers who do not sell any other household hazardous materials except for motor oil products may comply with the household hazardous materials informational sign posting requirement of 567—Chapter 144 through compliance with this chapter.

#### **567—119.5(455D,455B) Tanks.**

**119.5(1) *Aboveground.*** In addition to the requirements imposed by the office of the state fire marshal, the following standards are applicable to aboveground waste oil collection tanks:

*a.* The tank shall be of sufficient size to handle the projected quantities of used oil to be returned to this specific collection site.

*b.* The tank shall be designed and maintained to prevent the spillage or discharge of waste oil. Tanks must be set upon an impermeable surface engineered to contain potential spills.

*c.* Absorbent material shall be available at the tank site for use by the operator to control waste oil spillage or discharge.

*d.* The tank shall have a level gauge or some other adequate means for checking the oil level within the tank.

*e.* The tank shall be constructed in accordance with American Petroleum Institute specifications and standards.

**119.5(2) *Underground.*** Underground storage tanks used to collect or store waste oil shall comply with the standards in part 8 of division IV of Iowa Code chapter 455B, entitled “Underground Storage Tanks,” and the promulgated rules, Iowa Administrative Code, 567—Chapters 135 and 136.

**567—119.6(455D,455B) Locating collection sites.** If the retailer is unaware of any locations within the county where waste oil is being accepted from customers, then the retailer shall cooperate with other retailers to identify a waste oil collection site for customers. To identify a waste oil collection site, retailers should consider recruiting an operator of a facility which already has the means to collect waste oil. If through this cooperative effort no sites can be identified, then the retailer should consider accepting waste oil from customers according to the standards listed in this chapter.

#### **567—119.7(455D,455B) Land quality and waste management assistance division responsibilities.**

**119.7(1) *Groundwater protection hotline.*** The division will promote the recycling of used oil through the continued staffing of the groundwater protection hotline. Staff will provide general

information, distribute written materials concerning waste oil recycling, and maintain an updated, statewide list of waste oil collection facilities. Using the groundwater protection hotline, customers should contact division staff to determine environmentally acceptable disposal methods for contaminated waste oil.

**119.7(2) County coordinators.** The division will designate, when feasible, waste oil recycling coordinators for each county to promote waste oil recycling, to identify existing waste oil collection sites, and to help establish additional collection sites.

**567—119.8(455D,455B) State procurement.** All state officials shall promote the procurement and purchase of lubricating oils and other petroleum products that are made from recycled oils. Recycled oils which meet state specifications are recommended for use as engine lubricants in state vehicles, as hydraulic and gear lubricants for heavy equipment and machinery, and as a fuel oil for backup heating systems at state facilities with fuel oil heating systems.

These rules are intended to implement Iowa Code sections 455D.6(6) and 455D.13 and chapter 455B, division IV, part 1.

[Filed 4/26/90, Notice 2/7/90—published 5/16/90, effective 6/20/90]

[Filed 7/30/93, Notice 4/14/93—published 8/18/93, effective 9/22/93]

[Filed 2/1/02, Notice 10/17/01—published 2/20/02, effective 3/27/02]